

**From:** [Jenna Fasone](#)  
**To:** ["Van Houten, Greg"](#)  
**Cc:** [John Brooks](#); ["Martin, Ernest"](#); ["Schindler, S. Benjamin"](#)  
**Subject:** RE: Homeland v CPL - Discovery  
**Date:** Thursday, October 21, 2021 4:51:09 PM

---

Greg,

In addition to the issues raised below, we have also been having difficulty locating various attachments to several email chains in Defendants' production. As an example, at DEF-CPL-62343, there is a January 26, 2017 email chain between Brian Madden and Nancy Pruett that references two attached letters regarding an Irish woman's slides. However, we cannot locate those attachments anywhere in Defendants' production. In order to help guide meet and confer efforts going forward, should we assume that attachments to emails that have already been produced should have also been included in those prior productions, or will email attachments be forthcoming in another production? Additionally, if the above-referenced attachments have, in fact, already been produced, would you please identify where those documents are located by bates number?

Thank you,

Jenna

**Jenna Fasone**  
**SheppardMullin** | San Diego  
+1 619-338-6642 | ext. 16642

---

**From:** Jenna Fasone  
**Sent:** Friday, October 15, 2021 4:47 PM  
**To:** 'Van Houten, Greg' <Greg.VanHouten@haynesboone.com>  
**Cc:** John Brooks <JBrooks@sheppardmullin.com>; Martin, Ernest  
<Ernest.Martin@haynesboone.com>; Schindler, S. Benjamin  
<S.Benjamin.Schindler@haynesboone.com>  
**Subject:** RE: Homeland v CPL - Discovery

Greg,

We understand that Defendants have at least one more production of documents forthcoming. But in the interests of moving discovery along, we write to inquire re the nature of the documents in the final production, as well as the scope of Defendants' redactions on documents they have already produced pursuant to their responses to Homelands RFPs (Set One).

With respect to the first issue, as you are aware, Homeland has been seeking agendas/meeting minutes for some time now as part of its coverage investigation and in response to its Requests for Production of documents (see, e.g., RFPs 1-10). Based on the documents produced thus far, it appears several documents in that category may be missing.

As just one example, documents reflecting The Division Presidents' Calls/Reports (which appear to be monthly meetings) were included for January 2016, February 2016, March 2016, May 2016, May 2017, September 2018 [DEF-CPL-45383 to 45406], November 2018 [DEF-CPL-62033], and February 2020 [DEF-CPL-62060]. We did not locate documents reflecting meetings/calls/reports from pre-January 2016, April 2016, June 2016-April 2017, June 2017-August 2018, October 2018, December 2018-January 2020, or anything since February 2020. This includes one of the most relevant timeframes in this action – the spring/summer of 2016 leading up to when CPL sent OneBeacon its July 27, 2016 letter.

There are other examples of agendas or minutes missing for various periods of time for other types of meetings (e.g., Chief's Weekly Meetings, Executive Staff Meetings) but instead of getting into

specifics on these issues, would you please confirm whether or not additional minutes/agendas will be forthcoming in any further productions from CPL? If we are mistaken re the Division Presidents' Calls/Reports as discussed above, would you please let us know the bates numbers/ranges where the remaining minutes/agendas can be found?

That said, after reviewing the agendas/meeting minutes that Defendants have produced, we would like to meet and confer regarding the scope of the redactions to those materials. For many of those documents, the vast majority of them were redacted with only a few sentences having been produced (e.g., May 8, 2017 minutes at DEF-CPL-45384 to 45388, November 2018 monthly report for CPL at DEF-CPL-62033 to 62046, etc.). But the extensive redacting makes it virtually impossible for Homeland to assess the legitimacy of the bases for those redactions.

For example, in the May 8, 2017 minutes from a SHUSA Division Presidents Call, only portions of a subsection titled "Southwest – Nancy Stratton" were produced. All other Division Updates were redacted, as were other sections on Budgeting & Forecasting and Discussion on Roche savings. What is Defendants' justification for making such sweeping redactions? We understand that certain topics may be irrelevant (e.g., 401(k) updates), but only limited portions of the minutes/agendas appear to relate to such topics.

Even more problematic are Defendants' redactions to CPL-specific agendas/minutes. For example, a 14-page November 2018 Division President's Monthly Report for CPL has virtually everything redacted with the exception of a handful of sentences (some of which appear to have been redacted mid-sentence). There are several problems with this. First and foremost, Defendants have produced similar reports, without redactions, that address virtually the same substance (cf. February 2020 Monthly Report with the same headings/topics at DEF-CPL-62060 to 62070). If Defendants can produce that report without redactions, they should produce all such reports for CPL. Second, leaving aside other reports, some of the sections in the monthly reports are clearly relevant. For example, at DEF-CPL-62046, almost the entirety of a section from "Karen Pruitt, VP Quality Assurance" is redacted, including sections discussing staffing, inspections, legal concerns, initiatives, and challenges. Whether CPL was aware of issues with its quality control speaks directly to some of the coverage issues in this litigation (e.g., prior knowledge of potential claims, whether CPL diligently inquired about potential claims like they told Homeland, etc.). Finally, based on our review of reports that CPL did produce without redactions (e.g., DEF-CPL-62060 to 62070), it's clear that there is nothing overly sensitive in these agendas/minutes that cannot be adequately protected by the Confidentiality Agreement and Protective Order in place in this case.

For these reasons, we ask that Defendants produce unredacted versions of the requested agendas/meeting minutes. If Defendants refuse, Homeland hereby requests a detailed explanation for why such substantial redactions to those materials were made so that Homeland can assess the validity of those redactions, especially in light of the Confidentiality Agreement and Protective Order. Until this issue is resolved, Homeland will not be in a position to move forward with additional discovery, including depositions of relevant personnel at Defendants.

Jenna

**Jenna Fasone**

**SheppardMullin** | San Diego

+1 619-338-6642 | ext. 16642

---

**From:** Van Houten, Greg <[Greg.VanHouten@haynesboone.com](mailto:Greg.VanHouten@haynesboone.com)>

**Sent:** Thursday, October 7, 2021 4:29 AM

**To:** Jenna Fasone <[JFasone@sheppardmullin.com](mailto:JFasone@sheppardmullin.com)>

**Cc:** John Brooks <[JBrooks@sheppardmullin.com](mailto:JBrooks@sheppardmullin.com)>; Martin, Ernest

<[Ernest.Martin@haynesboone.com](mailto:Ernest.Martin@haynesboone.com)>; Schindler, S. Benjamin  
<[S.Benjamin.Schindler@haynesboone.com](mailto:S.Benjamin.Schindler@haynesboone.com)>

**Subject:** RE: Homeland v CPL - Discovery

More documents are forthcoming. We are in the process of QCing what we expect will be our last production.

**Greg Van Houten** | Associate

[greg.vanhouten@haynesboone.com](mailto:greg.vanhouten@haynesboone.com) | (t) +1 202.654.4562

---

**From:** Jenna Fasone <[JFasone@sheppardmullin.com](mailto:JFasone@sheppardmullin.com)>

**Sent:** Thursday, October 7, 2021 12:04 AM

**To:** Van Houten, Greg <[Greg.VanHouten@haynesboone.com](mailto:Greg.VanHouten@haynesboone.com)>

**Cc:** John Brooks <[JBrooks@sheppardmullin.com](mailto:JBrooks@sheppardmullin.com)>; Martin, Ernest  
<[Ernest.Martin@haynesboone.com](mailto:Ernest.Martin@haynesboone.com)>; Schindler, S. Benjamin  
<[S.Benjamin.Schindler@haynesboone.com](mailto:S.Benjamin.Schindler@haynesboone.com)>

**Subject:** Homeland v CPL - Discovery

<b>EXTERNAL:</b> Sent from outside Haynes and Boone, LLP
--

Greg,

Does Defendants' 7<sup>th</sup> rolling production yesterday complete their document production or are more documents forthcoming?

I will respond under separate cover to your other emails.

Jenna

**Jenna A. Fasone**

+1 619-338-6642 | direct

[JFasone@sheppardmullin.com](mailto:JFasone@sheppardmullin.com) | [Bio](#)

## SheppardMullin

501 West Broadway, 19th Floor

San Diego, CA 92101-3598

+1 619-338-6500 | main

[www.sheppardmullin.com](http://www.sheppardmullin.com) | [LinkedIn](#) | [Twitter](#)

**Attention:** This message is sent by a law firm and may contain information that is privileged or confidential. If you received this transmission in error, please notify the sender by reply e-mail and delete the message and any attachments.

CONFIDENTIALITY NOTICE: This electronic mail transmission is confidential, may be privileged and should be read or retained only by the intended recipient. If you have received this transmission in error, please immediately notify the sender and delete it from your system.